



# Hindu Women's Rights to Inheritance: A Case Study on Bogura Bangladesh

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## Abstract

Nowadays a voice is raised throughout the world for women empowerment and equality of all people irrespective of gender. The women in Bangladesh, especially those who belong to Hindu religion, face immense difficulty in enjoying their right to inheritance. The object of this paper is to ascertain the position of Hindu women as regards their right to inheritance. A case study has been done in Koil village under Bogura district of Bangladesh. Hindu women face various difficulties in their way of life since traditional values are deeply rooted in their life. Although the constitution of Bangladesh grants equal rights to men and women irrespective of religion, Hindu women cannot enjoy their rights. In this globalizing world, the condition of Hindu women remains unchanged because of their primitive outlook. How much aware Hindu women are regarding their rights, how they consider their rights, how they understand their traditional systems and how and why they do or do not claim for their rights are main points emphasized by this paper. By considering Hindu women's own opinion, this paper attempts to understand the rights to inheritance of Hindu women. At the end, some suggestions have been made to ensure better rights of Hindu women in Bangladesh in respect of property such as active role of Hindu community, awareness of Hindu women and enactment of law for ensuring right to property for Hindu women in Bangladesh.

**Keywords:** Women rights; Gender discrimination; Gender bias; Religion; Minority.

## 1. Introduction

Women are considered to be the backward section of society; the constitution of Bangladesh provides for making special provision for their advancement (Shakil, 2013). In Bangladesh the personal laws like Muslim law, Hindu law and Christian law deal with man's right to property, especially, right to ancestral property (Sourav, 2015); where women are found to face some discrimination (Sarker *et al.*, 2017). As compared to the women belonging to other religions, the position of Hindu women is worst. They are deprived of a number of human rights including the right to property, which makes their position vulnerable in society (Sarker, 2016). This paper makes an attempt to identify Hindu women's position in regard to their rights to inheritance. There are different issues related to inheritance rights of Hindu women (Sarker and Sultana, 2017).

The constitution of Bangladesh provides enough space for rights of every individual human being. Legal status of women, specifically the Hindu women indicates to what extent in the country (Zahur, 2016). Equality is enjoyed in the socio-economic and political spheres by the people (Sarker *et al.*, 2015). In Bangladesh, the Hindu Women has been given Two types of status, One is they are women another is they are Hindu women. Throughout history women have lacked power socially, economically, culturally and politically (Sultana *et al.*, 2017). In spite of the Constitution of Bangladesh prohibiting discrimination on the ground of sex, women are discriminated even in Legislations. The inheritance laws of most Hindu people tend to be exclusionary against women (White, 2010). Khan *et al.* (2016), argue that as compared to the women belonging to other religions, the position of Hindu women is worst. They are deprived of a good number of human rights including the right to property, which makes their position vulnerable in society (Devine *et al.*, 2019).

Nowadays a voice is raised throughout the world for women empowerment and equality of all people irrespective of sex, Bangladesh lags behind it both at national and international level (Waheed *et al.*, 2014). The laws applicable to the Hindus are those from ancient period which fail to meet the needs of Hindu women at present days (Ahmad, 2016). Bangladesh has ratified convention on the elimination of all forms of discrimination against women (CEDAW). However, the system of reporting within the CEDAW system has no enforcing mechanism and so little is known about the system and its impact on legislation and executive action in Bangladesh seems to be quiet minimum (Halder and Jaishankar, 2008). Although the constitution of Bangladesh grants equal rights to men

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and women, many women especially Hindu women are deprived (Adams, 2015). Hindu women's life is shaped by their religion that's why they lag behind. We need to know the social causes that govern this discrimination (Rahman *et al.*, 2018). Although Hindu women have their own culture and style of life, these culture and living standards are rooted in their disadvantaged condition in society (Rahman *et al.*, 2018). It is important to know the extent to which Hindu women can exercise their rights and have freedom in the wider society. Therefore this study is intended to examine the inheritance rights of Hindu women in the light of constitutional rights.

## **2. Methodology**

### **2.1. Research Design**

We use qualitative method when it is burning issue or if we want in-depth discussion about the topic. We used qualitative methodology because I want to interpret the topic in- depth. Moreover, we wanted to see the social condition from respondent's perspectives.

### **2.2. Data Collection**

Our study site is a village named Koil in Bogura district in Bangladesh. To conduct my research, we need details information about my topic. We think I will get details information easily since all of my participants were villagers of my own area and they will help me a lot. The study population of my research is married women of Koil village in Bogura district. It is not possible for me to collect information from the entire married female of Koil village. That's why sampling is inevitable. We used convenience sampling under non- probability sampling to get details information about my topic. The sample size was 16. To collect the data, we used mobile recorder, paper and pen. Semi structured interview schedule was followed to collect data. Data collection is an important part of research. Since this research is based on qualitative method, interview method was selected for data collection. Within interview method, semi-structured interview was applied for data collection. Along with interview, direct observation was also applied.

### **2.3. Data Processing and Analysis**

We collected information in Bengali language for the convenience of my respondents. We recorded the data on my mobile and for my academic purposes, we transcribed those data. Then we translated them in English language. We read these translations again and again and tried to make summary of the writings. Then we analyzed the data in detail.

## **3. Findings and Discussion**

### **3.1. Rights to Inheritance in the Light of Constitution**

Hindu women themselves are not conscious about their rights to inheritance (Singh, 2017). They think that deprivation from the right to property is natural as it has been going on from ancient period. No movement on their side is observed to enjoy this valuable right (Alam, 2004). Most of the Hindu women in Koil village know about their equal rights to inheritance but they are not aware enough since traditional system predominates their life. Most of the women were deprived of their paternal property because of traditional rules, dowry, lack of knowledge but they wanted to distribute their property equally. It was found that Hindu women generally do not claim for their rights as it has been going on from many years age.

### **3.2. Acceptance / Rejection of Constitutional Equal Rights**

Most of the respondents accepted constitutional rights to inheritance irrespective of gender and supported it. Those who accepted rights to inheritance were educated and younger. In the study, it was found that younger Hindu women have better knowledge and better understanding of inheritance rights than those of older women (Alam, 2004). Younger Hindu women were more aware of their rights and also accepted and supported rights to inheritance than those of older women. Younger women also wanted to establish equal rights by distributing property equally. Older women were less aware of their rights to inheritance and were stick to their traditional systems (Patel, 2006). Most of the older women were satisfied with their traditional system of inheritance. There were many reasons for which Hindu women accepted rights to inheritance.

### **3.3. Break Down of Traditional Rules**

With the increasing importance of education, the traditional rule breaks down and there is increasing awareness among Hindu women. Rina Rani karmakar (30) argued that *'now the tradition is breaking down and equality for boys and girls is taking place through government intervention.'*

### **3.4. Beneficiary**

Constitutional rights are helpful for Hindu women and for this reason many women favor it. Kalpana Rani karmakar (30) argued that, *'equal rights are favorable for them and if it is implemented, they would be benefited.'*

### **3.5. Equality between Children**

Many women support equal rights to inheritance because it ensures equality between children. Singh (2017) has argued that gender equality in agricultural land can reduce not just a woman's and her family's risk of poverty, it can

expand their livelihood options, enhance the prospects that their children will survive, improve their families' education and health, reduce domestic violence and can empower women (Hanchett, 1997). Dipali rani karmakar (40) argued that *"since both sons and daughters are their own children, both daughters and sons are equal to parents and they should be given equal rights."* In the same manner, Monju Rani karmakar (38) argued that *"I do not want girls to be deprived of paternal property and that's why I support equal rights."*

### **3.6. Constitution is Undeniable**

Since constitution gives equal rights to property, many women accept it and support it since constitution is the law that must be followed. Srimati adori Rani Karmakar argued that, *'constitutional rights to inheritance as granted by government is also important and cannot be denied.'*

### **3.7. Evaluation of Education**

As time goes on, Hindu women are becoming aware of the value of education. Since education liberates man from superstitious beliefs and enlightens the world, Hindu women are being aware of education (Singh, 2017). This tone was reflected in the thinking of Monju rani karmakar (38) as *"In primitive times (traditional society) there were less evaluation of education and nowadays people are being educated, they are being aware of their rights. For these reasons Hindu women accept constitutional equal rights."*

### **3.8. Ability to fulfill the needs of Daughters**

Older Hindu women are concerned about their traditional systems that stress the possession of property by mother that enable her to give it to her daughter. Surochi Karmakar (50) argued that *"I support constitutional equal rights to inheritance since this will enable me to fulfill the needs of my daughters if they need."* This is because of the presence of a tradition in Hindu society that if mother owns property, she can give it to her daughter. Although they accept and support constitutional equal rights to inheritance, their main concern is to link constitution to tradition.

### **3.9. Strengthen Women's Position**

Many women accept and support constitutional rights to inheritance since it ensures equal rights for daughters and sons and they can have resources that strengthen their position (Sarker et al., 2020). Chowdhry (2013) argued that possessing land or property as means of production means that women have in addition to a source of income, a source of authority, power, status and mobility and that this can lead to access to education and health facilities and to reduced violence (Chowdhury, 2011).

Srimati Reba Rani Karmakar (35) told that *"I accept and support constitutional rights to inheritance since it ensures equal rights for daughters and sons and they can have resources that strengthen their position."*

Sonali karmakar (26) told in the same manner that *"I support equal rights to inheritance since this can enable women to strengthen their position in family and women can have a source of income."*

#### **3.9.1. Safety for Women**

Possession over resources strengthens women's power and position that works as safety from violence (Nasrin et al., 2019). This was another reason of supporting constitutional equal rights. Sonali Karmakar (26) argued that *"Hindu women favor constitutional rights to inheritance since this can assure them some safety in their in law's house."*

She further argued that *"In case of Hindu women's husband who is addicted to drugs and does not work for family, rights to inheritance can enable women to strengthen their position in family and women can have a source of income."* For this reason, many women accept equal rights.

#### **3.9.2. Scope for Development**

Constitution is something that has been formulated to safeguard the whole population of a country. Shima karmakar (23) favours Constitutional equal rights and argued that *"Many traditional systems are superstitious but constitution is formulated by logical thinking; there is scope for development that can improve the condition of Hindu women."*

Those who do not accept rights to inheritance are older women and have little education that's why they have little knowledge about inheritance rights (Sarker et al., 2019b). Their understanding is largely rooted in traditional system (Alam, 2004) and thinks that customary laws are undeniable (Shafi et al., 2019). Some of them accept constitutional rights to inheritance since it is granted by government. Hindu women have little to do to change their traditional system and that's why they are bound to follow traditional rights to inheritance (Sarker et al., 2019c). The main reasons for not accepting rights to inheritance are:

#### **3.9.3. Traditional System**

This is the main reason for not accepting constitutional system. Sarker and Jie (2017) reported that women's discrimination in regard to property is exclusively visible in its socio-cultural situation, a traditional belief system and the cultural practices that had long been prevailing in the society (Islam and Sarker, 2018). He further states that in the south Asian context, the existing institutional framework and normative systems simply discourage women to claim for paternal property in rural Bangladesh (Sarker et al., 2019a). Traditional system is deeply rooted in Hindu

society that hinders Hindu women to accept and support equal rights to inheritance (Shafi *et al.*, 2020). Anima Karmakar (60) does not support equal rights for all rather sticks to the traditional system and supports it. She argued that equality for property rights is not coming in force though the government has already declared it. Dulali Rani Karmakar (25) argued that *“Hindu women do not claim for their rights because of traditional system which is going on.”*

#### **3.9.4. Unawareness**

Unawareness is mostly responsible for not accepting rights to inheritance. None is concerned about equal rights and women are bound to be pleased with what they are given during their marriage. Sarwar *et al.* (2007) states that legal, societal, power relationship within the society and globalization as the externality impacting on the land rights of the women in Bangladesh. It was found that the women themselves are not aware that they should have the title over lands. Many women were aware of these rights, but either did not know how to exercise them or felt socially barred from exercising them.

Kalpana Rani karmakar (26) argued that *“the development of inheritance law is a matter of mental development now.”* She further argued that *“Government cannot do anything unless parents themselves acknowledge equal rights”*.

#### **3.9.5. Less importance to constitutional rights**

Constitutional rights do not get that much importance in Hindu society and that's why women cannot demand for their equal rights to inheritance. Surochi karmakar (50) told that *“this constitutional right to inheritance is not that much followed in Hindu society.”*

#### **3.9.6. Lack of Knowledge**

Lack of knowledge about constitutional rights also makes Hindu women ignorant of their rights. Many illiterate Hindu women do not know about their constitutional rights. Most these women were older people. Women's knowledge of provisions of law is quite rudimentary, and perhaps the most startling evidence is that even when women have received land, it is far less than an equal share (Cao *et al.*, 2019). The practice is so deep and entrenched that neither the daughters feel it's their moral and legal right to claim inheritance of parents' property, nor the parents and the brothers feel morally and legally obligated to honor the women's inheritance rights. Landesa/Rural Development Institute in collaboration with UN Women in Bihar and Andhra Pradesh identified lack of legal knowledge as one of the formal barriers in women's right to own and inherit land. It found that overall awareness of the Hindu Succession Amendment Act was low among the Hindu families surveyed. Only 22% of the families were aware of this law. Compared to men, women were less aware and even more so if the woman did not have a male partner.

#### **3.9.7. Dowry**

Dowry plays an important role in Hindu daughter's marriage. Singh (2017), reported that there exists the customary and traditional belief that after marriage a girl belongs to her husband's family and not to her natal family. She also noted that even in the absence of a will, when the Hindu Succession Amendment Act is applicable, women are generally forced to give up their share in favor of their brothers for various reasons. One of the main reasons is the fear of breaking familial bonds. Without dowry, Hindu women cannot think of their daughter's marriage. Namita Karmakar (35) argued that *“since daughters are provided with bequest, boys should have more share of property and hence many Hindu women do not accept rights to inheritance.”*

#### **3.9.8. Lack of Acknowledgement by Parents**

Equal rights to inheritance are not being given by parents because traditional system is going on from many years ago and none is concerned to change this system. Srimati Dulali rani Karmakar (25) told that *‘we have heard of equal rights and if parents distribute property equally we can get share of it.’* Kalpana Karmakar (26) described the same situation and told that *“Government cannot do anything unless parents themselves acknowledge equal rights”*.

#### **3.9.9. Implication for Policy Recommendation**

Hindu laws are considered as divine and that's why it is difficult to modify or alter these laws. Because of their religious faith most of the Hindu people want their laws remain unchanged. But with the passage of time, these laws need to be able to meet the requirement of Hindu people. Hindu laws can be improved by following the steps given below:

- Hindu people should play active role: To enact and implement laws regarding rights to inheritance, Hindu women should raise their voice from Hindu community must come forward. They must urge for a quick revolutionary change in this regard rather than a slow evolution. One respondent argued that *“the development of inheritance law is a matter of mental development now.”*
- Awareness among the Hindus: The people who are ignorant of their rights to inheritance should be made aware. The government and non-government organizations should play active role in this regard for creating awareness. Both men and women should be aware of inheritance rights to ensure equal rights. One

respondent in my study argued that, “Government cannot do anything unless parents themselves acknowledge equal rights”.

- The Hindu women should be united: Hindu women themselves in every sector in Bangladesh should be associated for getting their right to inheritance. They must move forward and give pressure on the Government for amending or enacting succession law. National women organizations can help them through advocacy program etc.
- Enactment of appropriate laws: Government should play active role to enact laws for ensuring inheritance rights of Hindu women. Because it is not possible to ensure national development keeping a particular section of the population lag behind.
- Application of constitutional laws: The constitution of Bangladesh grants equal rights to inheritance irrespective of gender and religion. These laws should be practically applied in all spheres of life to ensure equal rights to property.

#### 4. Conclusion

This study indicates that this is an established phenomenon in societies across time and space. Not only has this study explained the dependent condition of Hindu women, but also their deprivation of rights to inheritance. Since structural Marxists blame the state for Hindu women’s disadvantaged condition, state should frame sufficient laws through necessary enactments for ensuring Hindu women’s property right on the part of the government. Since liberal theorists blame the majority for Hindu women’s disadvantaged condition, the majority should take initiatives to safeguard and implement Hindu women’ rights to inheritance. Women’s empowerments through establishing and ensuring their rights have become the most significant concern in today’s world. Bangladesh being a democratic country should keep in line with this. The state and the Hindu community need to seriously consider what reforms of their personal laws could be beneficial to the members of the community. People of Hindu religion in Bangladesh specially the Hindu women both educated and non-educated should also come forward on their own in achieving this right both individually and collectively so that they can enjoy their property acquired from whatever source freely and alienate the same without any interference of male member of her family.

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